

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

| | | |
|------------------------------------|---|--|
| MANUEL GONZALEZ, |) | |
| |) | Civil Action No. 15 – 252 |
| Petitioner, |) | |
| |) | Chief District Judge Joy Flowers Conti |
| v. |) | Magistrate Judge Lisa Pupo Lenihan |
| |) | |
| BRIAN V. COLEMAN, |) | |
| <i>Superintendent SCI Fayette,</i> |) | |
| |) | |
| Respondent. |) | |

MEMORANDUM ORDER

On February 24, 2015, Manuel Gonzalez (“Petitioner”) filed with the Court a Petition for Writ of Habeas, challenging the conditions of his confinement. In accordance with the Magistrate Judge’s Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules of Court, all pretrial matters were referred to United States Magistrate Judge Lisa Pupo Lenihan.

On May 8, 2015, Magistrate Judge Lenihan entered a Report and Recommendation wherein she recommended that the Petition be dismissed as failing to assert a cognizable claim under habeas corpus. Petitioner was served with the Magistrate Judge’s Report and Recommendation and informed that he had until May 26, 2015 to file written objections. As of today, no objections have been filed.

Therefore, upon an independent review of the record and consideration of the Magistrate Judge’s Report and Recommendation, the following order is entered.

AND NOW this 30th day of June, 2015;

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus (ECF No. 4) is **DISMISSED**.

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

IT IS FURTHER ORDERED that the Magistrate Judge's Report and Recommendation (ECF No. 5) is adopted as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Petitioner has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:

/s/ Joy Flowers Conti
Joy Flowers Conti
Chief United States District Judge

cc: Manuel Gonzalez
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